

Administrative Notice DMMA-06-2006

TO: All Staff

DATE: June 15, 2006

Verification of Citizenship and Identity for Medical Assistance

BACKGROUND

The Deficit Reduction Act (DRA) of 2005 (Public Law 109-171) was signed into law on February 8, 2006. Prior to the enactment of the DRA, a signature on the application form under penalty of perjury attesting that an individual was a citizen or national of the United States was sufficient. No further documentation was required unless there was information to the contrary. In addition, there was no requirement to verify identity.

Effective July 1, 2006, states are required to obtain satisfactory documentary evidence of citizenship or nationality and identity. For all Medicaid applicants, we must obtain such evidence at the time of application. For all Medicaid recipients, we must obtain such evidence at the time of redetermination. This requirement includes SSI and Title IV-E foster children.

DISCUSSION

Listed below are the types of documents that provide satisfactory evidence of citizenship and identity. An applicant or recipient who provides a document listed in Section A does not need to provide any other document. An applicant or recipient who provides a document listed in Section B must also provide a document from Section C. The guidance adopts a hierarchical approach in which documentary evidence of citizenship and identity is sought first from a list of primary documents. If an applicant or recipient presents evidence from the listing of primary documentation, no other information would be required. When such evidence cannot be obtained, the eligibility worker will look to the next tier of acceptable forms of evidence. The eligibility worker must first seek documents from the primary list before looking to the secondary or tertiary lists. Only original documents are acceptable.

Documents that may be accepted as proof of both citizenship and identity

- Acceptable primary evidence
- U.S. passport
- Certificate of Naturalization (DHS Forms N-550 or N-570)
- Certificate of U.S. Citizenship (DHS Forms N-560 or N-561)

Documents that may be accepted as proof of citizenship (an identity document is also required)

- Acceptable secondary documentation to verify proof of citizenship:
- A U.S. birth certificate
- A Certification of birth issued by the Department of State (Form DS-1350)
- A Report of Birth Abroad of a U.S. Citizen (Form FS-240)
- A Certification of Birth Abroad (FS-545)
- A U.S. Citizen I.D. card (DHS Form I-197 or (I179)
- An American Indian Card (I-872) issued by the Department of Homeland Security with the classification code "KIC". (Issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border)
- Final adoption decree
- Evidence of civil service employment by the U.S. government before June 1976
- An official military record of service showing a U.S. place of birth

- A Northern Mariana Identification Card. (Issued by the INS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 4, 1986)
- A match with other state agencies such as the State Data Exchange (SDX)

Acceptable third level documentation to verify proof of citizenship:

- Extract of U.S. hospital record of birth established at the time of the person's birth and was created at least 5 years before the initial application date and indicates a U.S. place of birth
- Life or health or other insurance record showing a U.S. place of birth and was created at least 5 years before the initial application date

Acceptable fourth level documentation to verify proof of citizenship:

- Federal or State census record showing U.S. citizenship or a U.S. place of birth
- Institutional admission papers from a nursing home, skilled nursing care facility or other institution and was created at least 5 years before the initial application date and indicates a U.S. place of birth
- Medical (clinic, doctor, or hospital) record and was created at least 5 years before the initial application date and indicates a U.S. place of birth unless the application is for a child under 5
- Other document that was created at least five years before the application for Medicaid. These documents are Seneca Indian tribal census record, Bureau of Indian Affairs tribal census records of the Navaho Indians, U.S. State Vital Statistics official notification of birth registration, an amended U.S. public birth record that is amended more than 5 years after the person's birth or a statement signed by the physician or midwife who was in attendance at the time of birth
- Written affidavit

Written affidavits may be used only in rare circumstances when the eligibility worker is unable to secure evidence of citizenship from another listing. The affidavits must be supplied by at least two individuals, one of whom is not related to the applicant or recipient. Each must attest to having personal knowledge of the event(s) establishing the applicant's or recipient's claim of citizenship. The individuals making the affidavit must be able to prove their own citizenship and identity for the affidavit to be accepted. Those making affidavits will be subject to prosecution for perjury. If the persons claiming knowledge of another's citizenship has information, which explains, why documentary evidence establishing the applicant's claim of citizenship does not exist or cannot be readily obtained, the affidavit should contain this information as well. A second affidavit from the applicant/recipient or other knowledgeable individual explaining why documentary evidence does not exist or cannot be readily obtained must also be requested.

Documents that may be accepted as proof of identity

- Acceptable documentation to verify proof of identity:
 - A current state driver's license bearing the individual's picture or state identity document also with the individual's picture
 - Certificate of Indian Blood, or other U.S. American Indian/Alaska Native tribal document
- Children who are age 16 or younger may have their identity documented using other means, when the child does not have or cannot get any document on the preceding lists.
 - School identification card with a photograph
 - Military dependent's identification card if it contains a photograph
 - School record that shows date and place of birth and parent(s) name
 - Clinic, doctor or hospital record showing date of birth
 - Daycare or nursery school record showing date and place of birth
 - Affidavit signed under penalty of perjury by a parent or guardian attesting to the child's identity

REASONABLE OPPORTUNITY

At the time of application or redetermination, the state must give an applicant or recipient a "reasonable opportunity" to present documents establishing U.S. citizenship or nationality and identity. The guidance advises:

- An individual who is already enrolled in Medicaid will remain eligible if he/she continuously shows a good faith effort to present satisfactory evidence of citizenship and identity within the 45-day time frame. An additional 45 days may be given if the individual continues to make a good faith effort to provide the documentation.
- Applicants for Medicaid should not be made eligible until they have presented the required evidence.
- If the applicant or recipient tries in good faith to present satisfactory documentation, but is unable because the documents are not available, the state should assist the individual in securing these documents.
- If the applicant or recipient cannot obtain the necessary documents and needs assistance (i.e. is homeless, mentally impaired, or physically incapacitated), and lacks someone who can act on their behalf, then the state should assist the applicant or recipient to document U.S. citizenship and identity.
- States may use matches with other agencies to assist applicants or recipients to meet the requirements of the law. For example, States already receive the State Data Exchange (SDX). Therefore, a match of Medicaid applicants or recipients to the SDX that shows the individual has proved citizenship would satisfy the documentation requirement of this provision with respect to SSI recipients.

PROCEDURES

At the time of application and redetermination, individuals will be asked to provide proof of both citizenship and identity unless these have been previously documented.

For an applicant who does not have proof of citizenship and identity but is otherwise eligible for Medical Assistance, eligibility will not be immediately denied. The applicant will be notified that documentation must be provided within 45 calendar days from the date of application. If the applicant cannot provide documentation within 45 days, but can provide proof that she has applied for the needed documentation, the time frame can be extended 45 days. If the documentation is not received by the deadline given, eligibility will be denied.

For a recipient who does not have proof of citizenship and identity, the recipient will be notified that documentation must be provided within 45 calendar days. If the recipient cannot provide documentation within 45 days, but can provide proof that he or she has applied for the needed documentation, the time frame can be extended 45 days. If the documentation is not received by the deadline given, eligibility will be terminated with advance notice.

ACTION REQUIRED

Effective immediately, staff will ask for original documentation of citizenship and identity unless these have been previously documented.

DCIS programming to support this new requirement is in process.

The DSSM will be revised once federal guidance is final.

For additional information visit the CMS web site at:

<http://www.cms.hhs.gov>

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Signed - June 15, 2006

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